

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

528H0299

## HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1180** - 01/22/2002

Introduced by: Representatives Monroe, Bartling, Madsen, and Napoli and Senator Apa

1 FOR AN ACT ENTITLED, An Act to increase the amount of the lien that is permitted on the  
2 parents of a minor child for whom legal counsel has been provided.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 23A-40-11 be amended to read as follows:

5 23A-40-11. A lien, enforceable as provided by this chapter, upon all the property, both real  
6 and personal, of any person, including the parents of a minor child, for whom legal counsel or  
7 a public defender has been appointed under the provisions of § 23A-40-6, subdivisions  
8 23A-40-7(2) and (3), or § 26-7A-31 may be filed. The services rendered and expenses incurred  
9 are a claim against the person and that person's estate, enforceable according to law in an amount  
10 to be determined by a judge of the circuit court or a magistrate judge and paid by the county or  
11 municipality chargeable for them. A lien on the parents of a minor child pursuant to this section  
12 may not exceed ~~one~~ two thousand dollars.

13 Section 2. That § 26-7A-32 be amended to read as follows:

14 26-7A-32. There is hereby created a lien, enforceable as provided in chapter 23A-40, upon  
15 all the property, both real and personal, of the parents, jointly or severally, of any child involved



1 in proceedings under this chapter or chapter 26-8A, 26-8B, or 26-8C to repay funds paid by the  
2 county for a court-appointed attorney for the child's parents or by the county or the state for the  
3 child. The county, on behalf of the county or the state, shall have a claim against the parents and  
4 their estates, jointly or severally, as provided in chapter 23A-40.

5 However, except in the case of informal adjustment or suspended imposition of adjudication,  
6 no lien or claim against the parents of a child may be created or may arise if the child is not  
7 adjudicated to be an abused or neglected child, a child in need of supervision or a delinquent  
8 child at the completion of the adjudicatory hearing and the proceedings are terminated.

9 The lien and claim on the property of the parents of a child pursuant to this section may not  
10 exceed ~~one~~ two thousand dollars. This limit does not apply to any claim or lien against the  
11 parents of a child adjudicated to be an abused or neglected child.